

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Marlene Wilkinson)

Plaintiff,)

v.)

The City of Philadelphia)

The Philadelphia Police Dept,)

Detective Liebesh Badge #922)

Seargant Charles F. Layton, Badge #588)

Defendants,)

FILED

MAR 05 2010

MICHAEL E. KOWAL, Clerk
U.S. District Court

CASE NO.: D-PAE-2-10-CV-000920-001

AMENDED COMPLAINT

FIRST AMENDED COMPLAINT

1. Plaintiff, Marlene Wilkinson, resides at 553 Cambridge Street, Philadelphia, PA 19131.
2. The Defendant, City of Philadelphia located at City Hall, Philadelphia, PA 19103.
3. The Defendant, Philadelphia Police Department, located at 1515 Arch Street, Philadelphia, PA 19103.
4. The Defendant, Detective Liebesh Badge #922, Philadelphia Police Department 18th District 5510 Pine Street, Philadelphia, PA 19143.
5. The Defendant, Seargant Charles F. Layton, Badge #588, Philadelphia Police Department 18th District 5510 Pine Street, Philadelphia, PA 19143.,
6. That the cause of action arose in the City of Philadelphia, County of Philadelphia, State of Pennsylvania.
7. The amount in controversy exceeds \$ 150,000.

GENERAL ALLEGATIONS

8. At approximately 12 pm on March 3, 2008, the Defendants, Philadelphia Police Department Detective Liebesh #922 and Seargant Charles F. Layton #588, ordered his squad of officers to kick down the door and search Plaintiff's residence without a search warrant. The Defendant intentionally misled the Plaintiff to believe it was a robbery.
9. The Defendants repeatedly invaded Plaintiff's residence without a search warrant over a period of two (2) years.
10. Defendants, Philadelphia Police Department Detective Liebesh #922 and Seargant Charles F. Layton #588, owed the Plaintiff the following duties of care:
 - A. A proper search warrant for the residence.
 - B. Presentation of the search warrant to the Plaintiff to legally access the residence.
 - C. Duty of care to Plaintiff's property.
 - D. Right to privacy and enjoyment of her residence.
11. Defendants, the Philadelphia Police Department Detective Liebesh #922 and Seargant Charles F. Layton #588, breached each of the above duties and violated the statutes of the State of Pennsylvania, Plaintiff's civil rights and their actions completely violated Plaintiff's right under the Fourth Amendment of the United States Constitution.
12. At the time of the trespass, Plaintiff was not at her residence to receive notice. As a result of the illegal trespass and search, the Plaintiff suffered and continues to suffer from post-traumatic stress, anxiety, embarrassment, nightmares and diminution of her ability to enjoy life's pleasures to a great detriment and loss. Furthermore, the Plaintiff has had to continually reassure her young daughter that the Police will not come back and break down their door.

WHEREFORE, Plaintiff, demands Judgment in her favor and against Defendants, jointly and/or severally against the Defendants, in a sum not in excess of One Hundred Fifty Thousand (\$150,000.00) Dollars.

By: /s/ Stephanie J. Brown

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